

COURT CONDEMNS ORDERS OF DIAPER FOR PRISONER

WEST PALM BEACH, Fla. (AP) — A man who had been ordered to wear a diaper at a halfway house did not violate his parole when he left the institution, a court has ruled.

The punishment leveled by the house on Devon Dale Bienz was demeaning, and he was within his rights to leave, the 4th District Court of Appeal said.

A Fort Lauderdale court had earlier convicted Bienz of parole violation.

The appeal court said Bienz had been told by his parole supervisor to obey all rules and regulations at the halfway house — where prisoners about to be released make the transition to the outside world — but that he could leave if he was asked to do anything menial or demeaning.

The court said Bienz was ordered to wear a diaper on the outside of his pants because, in the words of his counsel at the halfway house, "his attitude reflected the actions of a baby."

Bienz left the house that night and called his probation officer the next day saying he had left because he did not want to suffer the embarrassment.

"It is not the function of this court to probe the Freudian recesses of a psychotherapist's mind, if indeed, it could ever be done," the opinion said. "Suffice is to say that a command from a therapist that an adult male wear diapers in public would certainly be demeaning in the minds of reasonable men."